IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 6TH JUNE 2007 / 16TH JYAISHTA 1929

OP.No. 7044 of 2001(L)

PETITIONER:

M.G.SUNDARESAN, AGED 38 YEARS,
CONTRACTOR AND LICENSEE OF TODDY SHOP
NOS. 1 TO 20 OF MALLAPPALLY EXCISE RANGE,
MALLAPPALLY P.O., PATHANAMTHITTA DISTRICT.

BY ADV. SRI.C.C.THOMAS

RESPONDENTS:
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1. **THE ASST. EXCISE COMMISSIONER , PATHANAMTHITTA.**

2. **THE COMMISSIONER OF EXCISE, THIRUVANANTHAPURAM.**

BY GOVERNMENT PLEADER SMT.K.R.DEEPA

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 06/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP. NO.11544/2001 IN OP. NO.7044/2001

DISMISSED

06.06.2007 **SD/- KURIAN JOSEPH, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1:- COPY OF THE ORDER D.T.22.1.01 PASSED BY THE 1ST RESPONDENT.

EXT.P2:- COPY OF THE PETITION DT.24.1.01 SUBMITTED BEFORE THE 2ND RESPONDENT WITH COPY TO THE 1ST RESPONDENT.

EXT.P3:- COPY OF THE ORDER DT. 7.2.01 PASSED BY THE 2ND RESPONDENT.

EXT.P4:- COPY OF THE RECEIPT DT.9.2.01 EVIDENCING THE PAYMENT OF RS. 6 LAKHS.

EXT.P5:- COPY OF THE RECEIPT DT.12.2.01 EVIDENCING THE PAYMENT OF RS. 9 LAKHS.

EXT.P6:- COPY OF THE RECEIPT DT. 26.2.01 EVIDENCING THE PAYMENT OF RS. 6 LAKHS.

/TRUE COPY/

tss

KURIAN JOSEPH, J.

O.P.No. 7044 of 2001

Dated this the 6th day of June, 2007

JUDGMENT

The writ petition is filed with the following prayer:-

> i) declare that the petitioner is entitled to get the interest @ 12% for the security deposit of Rs.51,30,300/- deposited at the time of auction from 1-4-2000 till 1-11-2000 and to be adjusted towards the arrears of the kist liable to be paid by the petitioner for the conduct of toddy shop Nos.1 to 20 in Mallappally Excise Range in Pathanamthitta District.

There is no counter affidavit. The petitioner may file an appropriate representation before the second respondent within a period of two months from today in which case the matter will be duly considered by the second respondent with notice to the petitioner and appropriate orders in accordance with law will be passed within another four months.

The writ petition is disposed of as above.

(KURIAN JOSEPH, JUDGE)

ahg.

KURIAN JOSEPH, J.

O.P.NO.7044/2001

JUDGMENT

6th June, 2007